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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,997	11/13/2001	Kenji Orita	740819-617	6386
22204	7590	04/13/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			PHAM, LONG	
ART UNIT		PAPER NUMBER		2814

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,997	ORITA ET AL. <i>lh</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Long Pham	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 and 39-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-15 is/are allowed.  
 6) Claim(s) 39-43 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03/05/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

**DETAILED ACTION*****Reissue Applications******Oath/Declaration***

On page 4 of the applicant's amendment dated 03/30/04, the applicant indicates that the amendment contains an Application Data Sheet. However, a copy of such document is not found in the electronic record of the application. The applicant is required to resubmit the document.

1. The reissue oath/declaration filed with this application is defective because it fails to comply with MPEP.1414. Specifically, the oath fails to identify the priority documents.

***Rejections and/or objections as previously applied***

1. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art of this present application in view of Isamu et al. (Japan 02257679).

The applicant's admitted prior art teaches a method for fabricating a semiconductor device, comprising the steps of (see col. 1, line 5 to col. 2, line 61 of the Background and figure 10 of the patent no. 6,117,700):

- a) forming a semiconductor layer 104 of a group III nitride containing a dopant over a substrate 101, wherein the dopant includes magnesium (Mg), zinc (Zn), calcium (Ca), strontium (Sr), and beryllium (Be);
- b) forming a p-side electrode out of a metal on the semiconductor layer, wherein the metal includes nickel and gold; and
- c) exposing the semiconductor layer to plasma at temperature, thereby making the conductivity type of semiconductor layer p-type.

The applicant's admitted prior art teaches exposing the semiconductor layer to plasma for activating the p-type dopant at a temperature, but fails to teach annealing temperature range of 600°C or less as recited in present claim 39.

Isamu teaches a method of making a gallium nitride compound semiconductor light-emitting device in which a group III nitride containing a dopant is exposed to heat at a temperature of 600°C or less. See the English abstract and figure 5.

It would have been obvious to **one of ordinary skill in the art of making semiconductor devices** to expose the group III nitride containing a dopant to heat at temperature of 600°C or less in the method of the applicant's admitted prior art because in doing so the optical characteristics of the device are improved without changing electrical characteristics. See the English abstract.

1. Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art of this present application in view of Isamu et al. (Japan 02257679) as applied to claims 39 and 40 above, and further in view of Nagao (Japan 58100471).

The applicant's admitted prior art teaches forming the p-side electrode out of metal on the semiconductor layer, but fails to teach that the metal is aluminum as recited in present claims 41-43.

Nagao teaches a method of making a light-emitting diode in which the p-side electrode is made of aluminum. See the English abstract.

It would have been obvious to **one of ordinary skill in the art of making semiconductor devices** to form the p-side electrode from aluminum in the method of the applicant's admitted prior art because in doing so the life and reliability of the device is improved. See the English abstract.

***Response to Arguments***

2. Applicant's arguments filed 03/30/04 have been fully considered but they are not persuasive. See below.

In response to the applicant's arguments in the third paragraph on page 5 of the amendment dated 03/30/04, it is submitted that Isamu (Japan '679) is being relied on merely for the broad teaching of exposing a group III nitride containing a dopant to heat at a temperature of 600°C or less to increase the optical characteristics of the device. AAPA teaches exposing the group III nitride containing dopant to heat or plasma heat. It would have been obvious to perform heating or plasma heating of AAPA to a temperature of 600°C or less to increase the optical characteristics of the device. Note that plasma is a form of heat. See the rejection.

In response to the applicant's arguments in the paragraph connecting pages 5 and 6 of the amendment dated 03/30/04, it is submitted that AAPA clearly teaches exposing the group III nitride containing dopant to plasma heat. See the Background of the Invention of this application.

In response to the applicant's arguments in the first full paragraph on page 6 of the amendment dated 03/30/04, it is submitted that Nagao is being relied on merely for the teaching of the p-side electrode of a light-emitting diode is made of aluminum. See the rejection.

***Allowable Subject Matter***

3. Claims 1-15 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on M-F, 7:30AM-3:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Long Pham  
Primary Examiner

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LP